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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,003	12/08/2005	Stuart R. Keller	2003UR031	9616

7590 09/25/2006
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EXAMINER

COLLINS, GIOVANNA M

ART UNIT PAPER NUMBER

3672

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/560,003	Applicant(s) KELLER, STUART R.	
	Examiner Giovanna M. Collins	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/8/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 16-23 is/are rejected.
- 7) ☐ Claim(s) 12-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by as being anticipated by Worrall et al. '223.

Referring to claims 1-4 and 6-10, Worrall discloses a method of creating a liner in a borehole comprising circulating settable material (8) into the borehole, wherein the settable material sets on at least a portion of the interior wall of the borehole to create a liner along the wall of the borehole and removing excess settable material out of the borehole by circulating the setting material (col. 2, line 67-col. 3, line 5) and agitating the drillstring and drilling (col. 3, lines 23-24) before the setting material has completely set.

2. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen '406.

Referring to claims 1-3 and 6, Allen discloses a method of creating a liner in a borehole comprising circulating settable material (8) into the borehole, wherein the settable material sets on at least a portion of the interior wall of the borehole to create a liner along the wall of the borehole and removing excess settable material out of the

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borehole by circulating the setting material (col. 2, line 20-col. 3, line 63) before the setting material has completely set.

3. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Shellhorn '166.

Referring to claims 1- 2 and 4-5, Shellhorn discloses (figs. 1-6) a method of creating a liner in a borehole comprising circulating settable material (25) into the borehole, wherein the settable material sets on at least a portion of the interior wall of the borehole to create a liner along the wall of the borehole and removing excess settable material out of the borehole and agitating the settable material with a shearing device located on the drill string (col. 3, lines 39-54).

4. Claims 11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent 0403025 to Stewart et al.

Referring to claims 11 and 16, Stewart discloses (figs. 1-3) a method of creating a casing comprising drilling a borehole with a drill bit (7) on a drill string, placing settable material (12) into an annulus where the material sets a portion of the interior wall to create a liner moving the drill string to prevent the settable material from completely plugging the bore and circulating drilling mud containing a set retarder to remove the unset settable material near the drill string (col. 3, line 46-col. 4, line 4) and producing hydrocarbon from the well..

5. Claims 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchanan '408.

Buchanan discloses (fig. 1) a method of creating a borehole liner comprising providing a sacrificial liner (14) where there are no pipes in the liner, circulating settable material (16) into the borehole outside the sacrificial liner where the material will occupy at least a portion of the space between the sacrificial liner and the interior wall of the borehole, drilling out a portion of the liner and at least a portion of the sacrificial liner (see fig. 2) to create the borehole liner (fig. 3) wherein the borehole liner has a hollow core inside the wellbore.

Referring to claims 18-20, Buchanan discloses drilling out and reaming the bore hole with a drill bit on a drill string after the sacrificial liner has been drilled out and producing hydrocarbons from the well (see Fig. 4).

Referring to claims 21-23, Buchanan discloses the sacrificial liner is a drillable material with a tensile strength of less than 103 Mpa (col. 3, lines 35-47).

6. Claims 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Soybel et al. '518.

Soybel discloses (fig. 2) a method of creating a borehole liner comprising providing a sacrificial liner (24) where there are no pipes in the liner, circulating settable material (26) into the borehole outside the sacrificial liner where the material will occupy at least a portion of the space between the sacrificial liner and the interior

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wall of the borehole, drilling out a portion of the liner and at least a portion of the sacrificial liner to create the borehole liner (fig. 3) wherein the borehole liner has a hollow core inside the wellbore.

Referring to claims 18-20, Buchanan discloses drilling out and reaming the bore hole with a drill bit on a drill string after the sacrificial liner has been drilled out and producing hydrocarbons from the well (see Fig. 3).

Referring to claims 21-23, Buchanan discloses the sacrificial liner is a drillable material with a tensile strength of less than 103 Mpa (col. 4, lines 4-17).

Allowable Subject Matter

7. Claims 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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gmc


Jennifer H. Gay
Primary Examiner